

Appl. No. 10/023,148
Amdt. dated May 13, 2004
Reply to Office Action of February 13, 2004

REMARKS/ARGUMENTS

Claims 1-20 and 41-54 are presented for the Examiner's consideration. Claims 1-20 were previously presented, claims 21-40 are cancelled by this amendment and new claims 41-54 are presented for the Examiner's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 6-9, 12, 14, 18 and 20 were rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over WO 00/66824 to Neely et al. This rejection is respectfully traversed.

In order for a claim to be anticipated by a reference, each and every claim limitation must be taught by the reference. Applicants' claims are directed to a coform nonwoven web having a substantially uniform structure in contrast to prior art coform nonwoven webs which have compositions that generally var[y] in the z-direction (the direction through the material thickness) (see page 1, lines 25-26 of the present patent application for support for this statement). The presently claimed nonwoven webs are prepared from a plurality of substantially continuous multicomponent thermoplastic filaments and a second material that may be fibers, particles, or a mixture of fibers and particles and require that the second material is substantially uniformly dispersed within the multicomponent thermoplastic filaments in the z-direction of the nonwoven web. Prior art coform nonwoven webs typically have higher concentrations of continuous filaments and, thus, lower concentrations of the second material, staple fibers and/or particles, at their surfaces compared to the middle region between the surfaces (page 1, line 26 et seq. of the present patent application). The present invention provides a coform web having a concentration of the continuous filaments and a concentration of the second material being essentially the same at the bottom surface, the top surface and the middle region between the surfaces. For example, the present invention provides a coform web with a concentration of about 15 weight percent continuous filaments at the bottom surface, the top surface and the middle region and about 85 weight percent pulp fibers at the bottom surface, the top surface and the middle region. Neely et al. fails to disclose such a coform web. Specifically, Neely et al. fails to disclose coform webs that include a second material substantially uniformly dispersed within continuous filaments in the z-direction. Therefore, the rejection of claims 1, 2, 6-9, 12, 14, 18 and 20 under 35 USC § 102 (b) based on Neely et al. is untenable and should be withdrawn.

Appl. No. 10/023,148
Amdt. dated May 13, 2004
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With regard to claim 9, Neely et al. also fails to disclose, teach or suggest coform webs that include a second material substantially uniformly dispersed within continuous filaments that are bicomponent filaments having an A/B/A side-by side configuration. Accordingly, the rejection of Claim 9 under 35 USC § 102 (b) based on Neely et al. is also untenable and should be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 102 (b)/103 as allegedly being anticipated and thus unpatentable over WO 00/66824 to Neely et al. This rejection is also respectfully traversed.

The uniform structure of the coform nonwoven webs of the present invention is believed to impart the fluid handling characteristics and the wicking properties of the coform material. The examples of the specification show that high speed oscillation, for example by a rotary valve, improves the fluid handling properties of the coform (see also Figures 6-8) versus similar materials formed without high speed oscillation. Therefore, the examples of the specification show that the properties of the claimed coform web are not the same as a coform web made without high speed oscillation. Hence, the properties claimed are not inherent in Neely et al. Accordingly, the rejection of claim 12 under 35 USC § 102 (b)/103 based on Neely et al. is untenable and should be withdrawn.

Claims 1-9 and 13-20 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over WO 00/66824 to Neely et al in view of U.S. Patent Number 5,952,251 to Jackson et al. This rejection is also respectfully traversed.

Both Neely et al. and Jackson et al., individually or in combination, fail to teach uniformly dispersing a second material into substantially continuous multicomponent filaments. Neely et al. fails to a coform web that includes a second material substantially uniformly dispersed within continuous filaments in the z-direction and how to uniform disperse a second material into substantially continuous multicomponent filaments as discussed in greater detail above. Jackson et al. fails to teach substantially continuous multicomponent filaments and also fails to teach how to uniformly disperse a second material into substantially continuous multicomponent filaments.

With regard to claims 9 and 19, Neely et al. and Jackson not only fail to disclose, teach or suggest coform webs that include a second material substantially uniformly dispersed within continuous filaments they also fail to disclose, teach or suggest bicomponent filaments having an A/B/A side-by side configuration. Although, both teach bicomponent filaments, neither discloses or teaches filaments having an A/B/A side-by side configuration. Bicomponent fibers or filaments

Appl. No. 10/023,148
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have may different configurations. Neely et al., does not specifically teach the Applicants' claimed A/B/A fiber configuration for the multicomponent substantially continuous filaments and Jackson et al. does not teach the use of substantially continuous multicomponent thermoplastic filaments. Further, given that Neely et al. fails to teach the A/B/A fiber configuration, not all of the claim limitations of claim 19 is suggested by the combination of Jackson et al. with Neely et al. Accordingly, the rejection of claims 9 and 19 under 35 USC § 103 based on Neely et al. and Jackson et al. is untenable and should be withdrawn.

As stated above, the uniform structure of the coform nonwoven webs of the present invention is believed to impart the fluid handling characteristics, wicking and vertical layering lay-down structure of the coform material. The examples illustrate that high speed oscillation improves the fluid handling properties of coform webs. Neely et al. and Jackson et al. both fail to disclose teach or suggest making a coform web from a plurality of substantially continuous multicomponent thermoplastic filaments that are attenuated by high speed oscillation. Hence, the properties claimed are not inherent in Neely et al. or Neely et al. in view of Jackson et al. Accordingly, the rejection of claims 1-9 and 13-20 under 35 USC § 103 based on Neely et al. and Jackson is untenable and should be withdrawn.

Claims 10 and 11 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and, thus, unpatentable over WO 00/66824 to Neely et al. in view of WO 00/34567 to Fontenot et al et al. This rejection is also respectfully **traversed**.

Fontenot et al. fails to remedy the deficiencies of Neely. Specifically, Fontenot et al. fails to disclose, teach or suggest a coform web that includes a second material substantially uniformly dispersed within continuous filaments in the z-direction or how to make such a coform web. Fontenot et al. is directed to an air-laid absorbent structure. The Examiner relies on Fontenot et al. to teach the claim density of claims 9 and 10. It is noted that claims 10 and 11 specify the density of the claimed nonwoven web. In any event, Fontenot does not teach uniformly dispersing a second material into substantially continuous multicomponent filaments. Therefore, Fontenot et al. fails to remedy the deficiencies of Neely et al.

In order of a combination of references to render a claim obvious, the invention "as a whole" including all of the limitations of the claims must be taught by the references relied upon. Given that none of the references relied upon by the Examiner teach uniformly dispersing a second material into substantially continuous multicomponent filaments, the combination of Fontenot et al.

Appl. No. 10/023,148
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with Neely et al. or Jackson et al. does not establish a proper rejection under 35 U.S.C. § 103 .
Accordingly, Applicants request that the pending rejections of the claim be withdrawn and a Notice of Allowance issued.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.
deposit account number 11-0875.

The undersigned may be reached at: 770-587-8620.

Respectfully submitted,

MATELA ET AL.

By:



Christos S. Kyriakou
Registration No.: 42,776
Attorney for Applicant(s)

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Christos S. Kyriakou, hereby certify that on May 14, 2004 this document is being faxed to the United States Postal Service, Art Unit 1771 at (703) 872-9306.

By:



Christos S. Kyriakou